

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOSHUA DAVIS BLAND,  
  
Plaintiff,  
  
v.  
  
KEN CLARK,  
  
Defendant.

No. 1:20-cv-01624-NONE-SKO (PC)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS AND DISMISSING  
ACTION

(Doc. No. 17)

Plaintiff Joshua Davis Bland is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action brought under 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On September 2, 2021, the assigned magistrate judge found that the court lacks subject-matter jurisdiction over plaintiff's claims, and that plaintiff's claim for emotional injuries is barred by the Prison Litigation Reform Act (PLRA). (Doc. No. 12.) Therefore, the magistrate judge ordered plaintiff to show cause why this action should not be dismissed. (*Id.* at 3.) Plaintiff filed a response to the order to show cause on October 15, 2021. (Doc. No. 15.)

On October 18, 2021, the assigned magistrate judge issued findings and recommendations, recommending that this action be dismissed. (Doc. No. 17.) Therein, the magistrate judge found that plaintiff's response to the order to show cause does not meaningfully call into question the court's lack of jurisdiction over plaintiff's claims or that his claim for

1 emotions injuries is barred by the PLRA. (*Id.* at 2.) The findings and recommendations were  
2 served on plaintiff and provided him 14 days to file objections thereto. (*Id.* at 4.) Plaintiff has  
3 not filed any objections, and the time to do so has passed.

4 Accordingly,

- 5 1. The findings and recommendations issued on October 18, 2021 (Doc. No. 17) are  
6 adopted in full;
- 7 2. This action is dismissed for lack of subject-matter jurisdiction and because  
8 plaintiff's claim for emotional injuries is barred by the PLRA; and,
- 9 3. The Clerk of the Court is directed to assign a district judge to this case for  
10 purposes of closure and to close this case.

11 IT IS SO ORDERED.

12 Dated: **November 21, 2021**

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15 UNITED STATES DISTRICT JUDGE  
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